

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
NOLAN WELLS,

Petitioner,

20 **CIVIL** 3666 (NSR)(LMS)

-against-

**JUDGMENT**

WILLIAM F. KEYSER,

Respondent.

-----X

It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Order dated March 15, 2021, MJ Smith's R & R is adopted in its entirety. The petition for a writ of habeas corpus is therefore DENIED without prejudice to Petitioner's right to pursue such claims in state court. As Petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. See 28 U.S.C. § 2253(c)(2); *Love v. McCray*, 413 F.3d 192, 195 (2d Cir. 2005); *Lozada v. United States*, 107 F.3d 1011, 1017 (2d Cir. 1997), abrogated on other grounds by *United States v. Perez*, 129 F.3d 225, 25960 (2d Cir. 1997). The Court certifies pursuant to 18 U.S.C. § 1915(a)(3) that any appeal from the order would not be taken in good faith, and therefore in forma pauperis status is denied for the purposes of an appeal. See *Coppedge v. United States*, 369 U.S. 438, 44445 (1962); accordingly, the case is closed.

**Dated:** New York, New York  
March 17, 2021

**RUBY J. KRAJICK**

\_\_\_\_\_  
**Clerk of Court**

**BY:**

*K. mango*

\_\_\_\_\_  
**Deputy Clerk**